

# Katten

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May 29, 2012

Via Electronic Case Filing

Magistrate Judge Robert M. Levy  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

**Re:** *State Farm v. John McGee et al. (case no. 10:cv-03848-ILG-RML)*

Dear Magistrate Judge Levy:

Plaintiff State Farm Mutual Automobile Insurance Company (“State Farm”) moves this Court for entry of an order extending the current deadlines in this matter for the reasons set forth below.

Pursuant to orders entered on November 29, 2011, January 11, 2012, February 10, 2012, and April 27, 2012, the *current deadlines* in this matter are as follows:

<b>May 31, 2012</b>	Deadline for amending the pleadings and/or joining additional parties
<b>June 30, 2012</b>	Fact discovery cut-off
<b>August 1, 2012</b>	Expert disclosure deadline
<b>August 31, 2012</b>	Rebuttal expert disclosure deadline
<b>November 1, 2012</b>	Expert discovery cut-off
<b>February 1, 2013</b>	Dispositive motions deadline

As this Court is aware, State Farm has diligently pursued fact discovery in this matter. Despite State Farm’s efforts, it has encountered great difficulty obtaining complete compliance with the discovery requests issued to Defendants and subpoenas issued to third-parties. Consequently, State Farm has been forced to bring numerous motions to compel and motions for discovery sanctions—often with more than one motion having to be brought against the same person or entity. Indeed, despite the fact that State Farm issued its first discovery requests to Defendants nearly 18 months ago, it still has not obtained complete compliance from the Ilyaich Defendants

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or Defendant McGee and the PC Defendants. In addition, to date, State Farm has been unable to obtain complete compliance with all of the third-party subpoenas it has issued in this matter. While State Farm is currently attempting to resolve its outstanding discovery issues without having to resort to Court intervention, it anticipates that additional discovery motions will be necessary.

Moreover, as a result of Defendants' and third-parties' failure to provide timely, complete discovery responses and document productions, to date, State Farm has been unable to complete the depositions of all relevant Defendants and third-party witnesses. For example, because State Farm has not obtained complete document productions and written discovery responses from the Ilyaich Defendants and Defendant McGee, State Farm has been unable to notice the depositions of these parties. Similarly, State Farm has been unable to conduct meaningful depositions of all third-party witnesses due to their failure to provide complete responses to the subpoenas served on them. For example, despite the Court's order granting State Farm's motion to compel, Dr. Super and the Super entities have failed to provide complete responses to the subpoenas served on them. While State Farm is currently attempting to resolve the outstanding issues with respect to Dr. Super's and the Super entities' discovery responses, it anticipates that further motion practice will be necessary. Until State Farm obtains complete compliance with the subpoenas for documents, it cannot conduct a meaningful deposition of Dr. Super.

Since, to date, State Farm has been unable to obtain complete written discovery responses and document productions and complete depositions in this matter, it follows that State Farm still does not have all of the information it needs to determine whether and in what manner it should amend its Complaint, or know the identities of all of the additional parties who are responsible for the conduct at issue, and State Farm requires additional time to complete fact discovery. In light of what is now known about the case, it is also apparent that the schedule can be adjusted in such a way that the matter can still be completed without delay. Accordingly, State Farm moves this Court for entry of an order extending the current deadlines in this matter as follows:

<b>August 31, 2012</b>	Deadline for amending the pleadings and/or joining additional parties
<b>September 28, 2012</b>	Fact discovery cut-off
<b>November 1, 2012</b>	Expert disclosure deadline
<b>November 30, 2012</b>	Rebuttal expert disclosure deadline
<b>January 4, 2013</b>	Expert discovery cut-off

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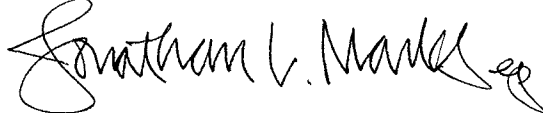
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**February 15, 2013**

Dispositive motions deadline

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jonathan L. Marks", with a stylized flourish at the end.

Jonathan L. Marks